



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent application of : Group Art Unit:
Barton A. Pasternak, et al : 2875
Serial No.: 10/081,092 : Examiner:
Confirmation No.: 2819 : Ismael Negron
Filed: February 21, 2002 :
For: High Intensity Directional Lighting Device : Attorney Docket No.:
35783-152950 (3800-172)

12/02/2004 HTECKLU1 00000008 10081092
01 FC:2402

170.00 DP

APPEAL BRIEF

Adjustment date: 12/02/2004-HTECKLU1
11/30/2004 HTECKLU1 00000047 10081092
01 FC:2401 -170.00 DP

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

11/30/2004 HTECKLU1 00000047 10081092
01 FC:2401

170.00 DP

Attention: Board of Patent Appeals and Interferences

Dear Sir:

This Appeal Brief is being submitted in response to the Final Rejection mailed June 2, 2004. A timely Notice of Appeal was filed October 6, 2004.

This Brief is being filed within two months from the date the Applicant filed the Notice of Appeal pursuant to 37 C.F.R. § 1.192(a). Please find the enclosed check for the fee associated with filing the Appeal Brief. In the event that the amount of the check is incorrect please credit or debit Deposit Account No. 50-0573, accordingly.

**CERTIFICATE OF MAILING
UNDER 37 C.F.R. 1.8(a)**

I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date indicated below, with sufficient postage, as first class mail, in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313.

BY _____

DATE: _____

I. REAL PARTY IN INTEREST

The real party of interest is the assignee of the above-identified application: Westinghouse Lighting Corporation.

II. RELATED APPEALS AND INTERFERENCES

Appellants and their legal representatives hereby submit that they are not aware of any appeal or interference which directly affects, will be directly affected by, or will have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

Claims 1-3 and 5-14 stand rejected. Claims 1-3 and 5-13 are the subject of this appeal. Claim 4 has been canceled. Claim 14 is canceled by the amendment filed concurrently herewith. Appellants filed a Notice of Appeal to the Board of Patent Appeals and Interferences on October 6, 2004. The appealed claims are presented in Exhibit A attached hereto.

IV. STATUS OF AMENDMENTS

An amendment after final rejection is submitted concurrently herewith, canceling claim 14 to place the application in condition for appeal. No new matter is added. Entry of the amendment is respectfully requested under 37 C.F.R. § 1.116.

V. SUMMARY OF THE INVENTION

The claimed invention is directed to an adjustable device (10) for providing high intensity directional illumination. A socket adaptor (11) has a lower portion (25) adapted (26) to

engage a socket and an upper portion (15) for receiving a light bulb (12). The upper portion is hingedly (hinge 35) and rotatably attached to the lower portion. The socket adaptor may be positioned in a plurality of alternative directional arrangements. In one aspect of the invention, the upper portion is adapted to rotate at least 360° about an axis perpendicular to the rotatable upper portion (page 4, lines 23-28). In another aspect of the invention, a light bulb (12) has a reflective coating (14) to focus the light emitted by the bulb (12) in a particular direction (page 7, line 25 to page 8, line 8).

A preferred embodiment of the socket adaptor has a lower portion adapted to engage a socket. An upper portion of the socket adaptor has a bottom leg (24) rotatably mounted in the lower portion (26) to rotate at least 360° about its axis. A top leg (22) is hinged to the bottom leg about a transverse axis. A socket (28) for a light bulb is mounted on the top leg. The socket adaptor may be positioned in a plurality of alternative directional arrangements by rotating the whole upper portion relative to the lower portion, and by hinging the top leg relative to the bottom leg.

VI. ISSUE ON APPEAL

The issues to be considered on appeal are:

whether claims 1-2, 5-6, 9-10, and 13 are unpatentable under 103(a) as obvious over U.S. Pat. No. 2,190,439 to Wohl (hereinafter referred to as “Wohl”) in view of U.S. Pat. No. 4,716,505 to Chan (hereinafter referred to as “Chan”);

whether claims 7-8 are unpatentable over Wohl in view of coated light bulbs that the examiner asserts are “old and well known in the art” (hereinafter referred to as “the coated bulbs”); and

whether claims 11 and 12 are unpatentable over Wohl in view of Chan and the coated bulbs.

VII. GROUPING OF CLAIMS

Claims 1, 7, 8, and 13 are independent. Appellants submit that claims 1 and 13, together with dependent claims 2-3 and 5-6, may stand or fall together. Appellants submit that claims 7 and 8, together with dependent claims 9-10, may stand or fall together. Appellants submit that claims 11-12 may stand with either claim 1 or claim 8. Claims 1-3 and 5-13 are reproduced in their entirety in Appendix A, which is attached hereto.

VIII. BACKGROUND

A. Examiner's Reasons For Objecting to Drawings

The Examiner objected to the drawings under 37 C.F.R. 1.83(a). The Examiner stated that the feature of a socket being adapted to be rotated at least 360° about two axes (claim 14) must be shown or the feature canceled from the claims. This feature has been canceled from the claims by canceling claim 14. Appellants respectfully submit that the ground of objection has thereby been removed.

B. Examiner's Reasons For Rejecting claim 14

The Examiner rejected claim 14 as not enabled under 35 U.S.C. § 112, first paragraph, and as obvious under 35 U.S.C. § 103(a). Claim 14 has been canceled. Appellants respectfully submit that the Examiner's rejections of claim 14 are moot.

C. Examiner's Reasons For Rejecting Claims 1 – 3 and 5 – 13

The Examiner rejected all claims under appeal, i.e. claims 1 – 3 and 5 – 13, as

unpatentable under §103(a). In respect of claims 1-2 and 5-13, the examiner formally stated the ground that these claims are obvious over Wohl in view of Chan. However, it appears from the examiner's statement of his reasons for the rejection (see, for example, page 4, line 20 to page 5, line 3 of the final office action dated June 2, 2004) that the examiner relies on the coated bulbs in respect of independent claims 7 and 8 and dependent claims 9-12.

Wohl is relied on for disclosing a socket adaptor having all the features recited in claims 1 and 13 except the 360° rotation. As will be explained in more detail below, Wohl shows a socket adaptor with 180° rotation between the lower portion of the socket adaptor and the lower leg of the upper portion, and 180° hinging between the lower and upper legs of the upper portion. Chan is relied on for showing a lamp with a slip ring mechanism that allows 360° rotation. The examiner maintains that it was obvious to combine Wohl and Chan so as to produce a device having all the features of claim 1 or claim 13.

The examiner relies on Wohl for disclosing a socket adaptor having all the features recited in claims 7 and 8 except a bulb having a coating adapted to focus light produced by the bulb. The examiner contends that the coated bulb is "old and well known in the art."

IX. DESCRIPTION OF THE REFERENCES

Wohl shows an adjustable light socket adaptor having a plug portion 10 with a male Edison screw that can be screwed into a conventional light socket. (The plug portion 10 corresponds to the "lower portion" recited in the claims of the application under appeal. However, Wohl refers to this as the "upper" end of the adaptor.) The plug portion 10 has a tubular extension 11, coaxial with the Edison screw, within which rotates a tubular interior guide ring 14. A pin 13 on the guide ring runs in a slot 12 in the extension 11. The slot 12 extends round slightly over half

the circumference of the extension 11, allowing the pin 13, and thus the guide ring 14, to rotate 180°. A pair of bosses 15 (corresponding to the lower leg of the preferred embodiment in the application under appeal) carry pivots 17 and 18. The pivots 17 and 18 carry connecting bars 16. The connecting bars 16 carry a lamp socket 20. The pivots 17 and 18 allow the bars 16, and thus the lamp socket 20, to swing through at least 180° about the common axis of the pivots. This axis crosses the axis of the rotation of the guide ring 14 within the tubular extension 11 perpendicularly. The lamp socket 20 can swing 90° either side of the axis of the guide ring 14. Thus, the lamp socket 20 can be pointed anywhere within a hemisphere centered on the axis of the Edison screw of the plug portion 10.

Chan shows a novelty table lamp, with a plurality of segments. Each segment appears to be in the form of a triangular prism, with two square faces at right angles to one another (as well as two triangular ends at right angles to the square faces, and a hypotenuse face at right angles to the ends and oblique to the square faces). The first segment has one square face flat on the table. Each subsequent segment has one square face flat against the other square face of the previous segment. The abutting faces are pivoted together concentrically, and have slip ring contacts, so that low-voltage electrical power can be transmitted from each segment to the next irrespective of their orientation. The last segment has a light bulb.

The coated bulbs are never described in detail. In an earlier office action (paper no. 5, mailed October 3, 2003 at page 6, lines 1-7) the examiner mentioned U.S. Pat. No. 2,118,785 to Birdseye et al. (hereinafter referred to as “Birdseye”), U.S. Pat. No. 1,906,188 to Smally (hereinafter referred to as “Smally”), and U.S. Pat. No. 4,982,131 to Meyer et al. (hereinafter referred to as “Meyer”) as showing bulbs with reflective coatings or surfaces, but did not cite to any of those documents in the rejection. When the rejection was made final, all

reference to Birdseye, Smally, and Meyer was omitted, so it is unclear whether or not the Examiner regards any of those references as exemplifying the “old and well known” coated bulbs. Birdseye shows a bulb in which the half nearest the screw fitting has “a metallic coating ... so disposed as to direct the rays of the lamp in a defined and concentrated beam” (col. 2, lines 46-48). Meyer shows a lamp with a bulb enclosed between a reflector and a lens. Smally shows a lamp with a bulb or filament enclosed between a reflector and a transparent dome. The beams from all of these lamps would be directed axially away from the screw end of the bulb, along the axis of the screw.

X. LEGAL STANDARD

As the Board is well aware, three basic criteria must be met to establish a *prima facie* case of obviousness under 35 U.S.C. § 103. First, there must have been at the time of the invention a motivation to combine the references cited. *In re Jones*, 958 F.2d 347, 21 U.S.P.Q. 2d, 1941 (Fed. Cir. 1992); *In re Fine*, 837 F.2d 1071, 1075, 5 U.S.P.Q. 2d, 1596, 1599-1600 (Fed. Cir. 1988)(holding that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art). *Ecolochem, Inc., v. Southern California Edison Company*, 227 F.3d 1361, 1372, 56 U.S.P.Q. 2d 1065 (Fed. Cir. 2000), citing *ACS Hosp. Sys., Inc. v. Montefiore Hosp.*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 936 (Fed. Cir. 1984)(holding obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination).

Second, the alleged prior art must teach or suggest all of the limitations of the claims alleged to be obvious. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974)(holding that to establish *prima facie* obviousness of a claimed invention, *all* the claim limitations must be taught or suggested by the prior art).

Third, there must have been at the time of the invention a reasonable expectation of success for arriving at the claimed invention. *In re Vaeck*, 847 F.2d 488, 20 U.S.P.Q. 2d 1438, 1442 (Fed. Cir. 1991)(holding that the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure); *Amgen, Inc. v. Chugai Pharmaceutical Co.*, 927 F.2d 1200, 1207-1208, 18 U.S.P.Q. 2d 1016, 1025-1026 (Fed. Cir.), cert. denied 502 U.S. 856 (1991); *In re Deuel*, 51 F.3d 1552, 1558, 34 U.S.P.Q. 2d 1210, 1214 (Fed. Cir. 1995).

A. The Use Of Hindsight Is Impermissible

Hindsight cannot be used to reject a claim as obvious. *In re Sernaker*, 702 F.2d 989, 994, 217 U.S.P.Q. 1, 5 (Fed. Cir. 1983); *In re Rinehart*, 531 F.2d 1048, 189 U.S.P.Q. 143 (CCPA 1976); *In re Imperato*, 486 F.2d 585, 179 U.S.P.Q. 730 (CCPA 1973); *In re Adams*, 356 F.2d 998, 148 U.S.P.Q. 742 (CCPA 1966). Consequently, it is legally improper to select from the prior art the separate components of the inventor's combination, using the blueprint supplied by the inventor. *C.R. Bard Inc. v. M3 Systems, Inc.*, 157 F.3d 1340, 1352, 48 U.S.P.Q. 2d 1225, 1232 (Fed. Cir. 1998) citing *Fromson v. Advance Offset Plate, Inc.*, 755 F.2d 1549, 1556, 255 U.S.P.Q. 26, 31 (Fed. Cir. 1985)(holding the prior art must suggest to one of ordinary skill in the art the desirability of the claimed combination).

The Federal Circuit has suggested that "the best defense against the subtle but

powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references. *Id.* This is because "when prior art references require selective combination by the court to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gleaned from the invention itself." *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1142, 227 U.S.P.Q. 543 (Fed. Cir. 1985).

XI. ARGUMENT

A. Claims 1 and 13.

Appellants respectfully submit that the Examiner has improperly combined the Wohl and Chan references. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 682, 16 U.S.P.Q. 2d 1430 (Fed. Cir. 1990) (emphasis added) citing *In re Gordon*, 733 F.2d 900, 902, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984) (the mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification). In the instant case, there is no such suggestion to combine the references cited by the Examiner.

The Examiner argues that "it would have been obvious ... to use the rotatable coupling of Chan in the illumination device of Wohl to provide such device with the capability of being in any desired direction." Final action mailed June 2, 2004, page 4, lines 16-18. In response to the Applicants' previous arguments to the contrary, the Examiner states that "Wohl is only capable of being rotated about 180° about the screw socket.... Such structure is limited in its capacity to project light from a light bulb in any direction, as would [be] possible with the

addition of the commutator of Chan.” The Examiner has perhaps not completely understood the structure of Wohl’s adaptor.

The Examiner is of course correct that the slot 12 and pin 13 of Wohl allow the guide ring 14 (on which the socket 20 is carried) to be rotated only through 180° relative to the tubular extension 11 (which is mounted on the plug 10). Thus, let the socket 20 be swung to one side about the pivots 17, 18, as shown in broken lines in Fig. 2 (which is a view along the common axis of the pivots 17, 18). Then, the socket 20 can be rotated in a semicircle about the axis of the plug 10. For example, in Fig. 3 of Wohl (which is a view along the axis of the plug 10), the socket 20 can be swung in a semicircle between the position shown in solid lines, pointing down the page, and the position shown in broken, lines, pointing up the page. As shown by Wohl using an arc of arrows in Fig. 3, the socket 20 can only be swung to the left side of the page.

However, the pivots 17, 18 of Wohl can be set “in any radial position ... in a semi-circular vertical plane.” Col. 1, line 55 to col. 2, line 1. As seen in Fig. 2 of Wohl, the socket 20 can be pivoted not only 90° to the left, as shown in broken lines, but also 90° to the right. As seen in Fig. 3 of Wohl, the socket 20 can not only sweep out the left hand semicircle indicated by the arc of arrows; by swinging the socket 20 to the other side of the plug 10, the socket can also sweep out the right hand semicircle. As Wohl himself explains, “the socket 20 and lamp 21 may ... thereby assume ... any radial direction within a hemisphere.” Col. 2, lines 8-13.

Replacing the 180° rotary connection of Wohl with the 360° rotary connection of Chan, as the examiner proposes, would allow the socket to sweep out a full circle in Fig. 2. However, as has been explained above, Wohl already allows the socket to sweep out both

halves of the circle. Thus, the modification would not in fact “provide such device with the capability of being in any desired direction,” because Wohl’s device already has that capability.

Introducing Chan’s slip-ring connection, if it were practical at all, would merely have added to the size, complication, and cost of the device, to no real advantage. Absent any benefit from the modification, it is respectfully submitted that there is no motivation for the modification, and thus no motivation to combine the references so as to make the modification.

Further, there is no suggestion in the cited references that the combination of Chan’s slip rings with Wohl’s device would be practical. Chan apparently considers his slip rings suitable only for low-voltage operation and nowhere is there any suggestion that any of the adjustable socket adaptors in the present case is to be used for anything other than a standard household voltage (110 volt) light bulb.

It is therefore submitted that the present invention, as claimed in claims 1-3, 5-6, 11-12, and 13 would not have been obvious to a person skilled in the art having regard to Wohl and Chan.

B. Claims 7 and 8.

The Appellants respectfully submit that the Examiner has improperly combined the Wohl reference and the coated bulbs. The examiner contends that “one of ordinary skill in the art would have been motivated to use such light bulb in the device of Wohl to increase the efficiency of the illumination device by concentrating and directing the light rays towards an intended target of illumination.”

The examiner’s argument relies on a number of propositions that are never properly formulated and are never substantiated. In particular, the Examiner assumes:

- That it is desirable in the device of Wohl to increase the efficiency of the illumination device. Increasing efficiency, like motherhood and apple pie, may be desirable in the abstract but is often inappropriate in reality.
- That concentrating and directing the light rays towards an intended target of illumination increases the efficiency of the illumination device of Wohl. This assumes a specific definition of “increase the efficiency”; in particular it assumes:
 - That the illumination device of Wohl is intended to illuminate a target sufficiently small that it can most effectively be illuminated with a concentrated and directed beam of light rays.

There is no motivation or suggestion in the prior art to equip Wohl’s device with a bulb having a reflective coating, because there is no teaching or suggestion in the prior art that providing Wohl’s device with a narrow, focused beam would be appropriate or useful. Meyer and Smally both provide lamp units with bulbs fixed relative to their plug ends, and with large reflectors that would not be suitable for use in an adjustable socket adaptor. Birdseye shows an adjustable socket adaptor with a bulb having a reflective coating, but Birdseye’s adaptor allows adjustment only over a small range of angles near to the straight-ahead position, directly away from the wall or ceiling to which the stationary socket 30 is attached. There is no suggestion in the cited references of combining a bulb having a reflector or reflective coating with a socket adaptor having a large angle of adjustment. (The examiner has pointed out that the structure shown in chain-dotted lines in Fig. 1 of Wohl cannot reliably be interpreted as a reflector, office action mailed June 2, 2004 at page 7, lines 5-9). That combination is derived

from the disclosure of the present application.

Further, all of the reflectors and reflective coatings shown in the references are arranged to direct the beam of light axially relative to the lamp bulb. The only purpose in applying such a bulb to Wohl's socket adaptor, which allows the axis of the lamp bulb to be directed anywhere in the hemisphere, would be to allow the beam of light to be "concentrated and directed" along the surface of the wall or ceiling. The examiner does not explain how directing a concentrated beam along the surface of the wall would "increase the efficiency of the illumination device." The combination makes more sense when the reflective coating directs the beam of light sideways, but that is an arrangement taught only by the present application, and not by the cited references.

The examiner's rejection of claims 7 and 8 therefore derives from impermissible hindsight reconstruction using the present specification. As the Federal Circuit held in *In re Gorman*, 933 F.2d 982, 986, 18 U.S.P.Q.2d 1885, 1888 (Fed. Cir. 1991), it is improper to combine prior art teachings to render the claimed invention obvious, absent some "teaching, suggestion or incentive supporting the combination." *See, also, Uniroyal Inc. v. Rudkin-Wiley Corp.* 837 F.2d 1044, 1050, 5 U.S.P.Q.2d 1434 (Fed. Cir. 1988) ("When prior art references require selective combination by the court to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gleaned from the invention itself") and *In re Rouffet*, 149 F.3d 1350, 1357, 47 U.S.P.Q.2d 1453, 1456 (Fed. Cir. 1998). Thus, the prior art documents as a whole must provide the motivation for making the combination, and this motivation must be found apart from Applicant's disclosure. *In re Dow Chemical Co.*, 837 F.2d 469, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988). Absent such motivation, the Examiner

may not use the claimed invention as a template to piece together elements from various unrelated prior art documents, or use an isolated teaching from a reference to fill gaps in the prior art, to arrive at an obviousness rejection. *In re Gorman, supra*, at 1888; *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780, 1784 (Fed. Cir. 1992).

Here, the cited references are unrelated, and there is no motivation to combine. The only motivation is that imposed by the present specification and claims. Once removed from the context of Applicant's disclosure, the references fragment into a collection of unrelated pieces with little bearing on the claimed invention. Any motivation to combine the teachings of the cited references is the result of impermissible hindsight. *In re Dembiczak* 175 F.3d 994, 998, 50 U.S.P.Q.2d 1614 (Fed. Cir. 1999) citing *Loctite Corp. v. Ultraseal Ltd.*, 781 F.2d 861, 871, 228 U.S.P.Q. 90, 98 (Fed. Cir. 1985):

Thus, Appellants submit that the requisite suggestion or motivation for one of ordinary skill in the art to arrive at the elements of the claimed invention is absent. Because the suggestion to combine Wohl, Birdseye, Smally, and Meyer is absent from the cited references, the Board should overturn the Examiner's rejection and allow pending claims 7 and 8.

C. Claims 11 and 12

Claims 11 and 12 are dependent from claim 8, and recite, either directly or by dependence, all the features of claim 1, including the 360° rotation that distinguishes claim 1 over Wohl. Logically, therefore, if claims 1 and 13 are allowable over the prior art, claims 11 and 12 are allowable over the prior art for the same reasons as claim 1. If claims 7 and 8 are allowable over the prior art, claims 11 and 12 are allowable over the prior art as claims dependent from claim 8.

D. Other dependent claims

For the purposes of this appeal, dependent claims 2-3 and 5-6 stand or fall with their base claim, claim 1. For the purposes of this appeal, dependent claims 9 and 10 stand or fall with their base claim, claim 8.

XII. CONCLUSION

Neither Wohl, Chan, Birdseye, Meyer, nor Smally taken alone or in combination suggests an adjustable device for providing high intensity lighting wherein an upper portion for receiving a light bulb is adapted to rotate at least 360° and is hinged as well as rotatable on a lower portion adapted to engage a socket. Neither Wohl, Chan, Birdseye, Meyer, nor Smally taken alone or in combination suggests an adjustable device for providing high intensity lighting wherein an upper portion receiving a light bulb that comprises a rotating to focus light emitted by the bulb in a particular direction is both hinged and rotatable on a lower portion adapted to engage a socket. Additionally, there is no motivation to combine the cited references other than the hindsight gleaned from the invention itself. Thus, claims 1-3 and 5-13 are not rendered obvious by the prior art. Appellants request that the Board reverse the Examiner's rejection of the claims in the instant application.

Respectfully submitted,

BARTON A. EASTERNAK et al.

BY:

JOSEPH R. DELMASTER, JR.

Registration No.: 38,123

DRINKER BIDDLE & REATH LLP

1500 K Street, N.W., Suite 1100

Washington, D.C. 20005-1209

Tel: 202.842.8879

Fax: 202.842.4865



APPENDIX

The Claims On Appeal

1. An adjustable device for providing high intensity directional lighting, the device comprising:

a directionally adjustable socket adapter having;

a rotatable upper portion for receiving a light bulb; and

a lower portion adapted to engage a socket;

wherein said rotatable upper portion is hingedly and rotatably attached to said lower portion so that the directionally adjustable socket adapter may be positioned in a plurality of alternative directional arrangements; and

wherein the rotatable upper portion is adapted to rotate at least 360 degrees about an axis perpendicular to the rotatable upper portion.

2. A device as in claim 1, wherein the rotatable upper portion comprises an outer housing and an inner socket.

3. A device as in claim 2, wherein the outer housing further comprises a plurality of sensors adapted to receive a remote signal for controlling the brightness of a light bulb in response to the signal.

4. (Canceled)

5. A device as in claim 1, wherein the directionally adjustable socket adapter is adapted so that the socket adapter can be further adjusted by angularly positioning the rotatable upper portion in relation to the lower portion as desired and by rotating the angularly positioned rotatable upper portion to a desired point within an at least 360 degree range of rotation about

an axis perpendicular to the lower portion.

6. A device as in claim 1, further comprising a light bulb.

7. An adjustable device for providing high intensity directional lighting, the device comprising:

a directionally adjustable socket adapter having;

a rotatable upper portion for receiving a light bulb; and

a lower portion adapted to engage a socket; and

a light bulb that comprises a coating adapted to focus light emitted by the bulb in a particular direction;

wherein said rotatable upper portion is hingedly and rotatably attached to said lower portion so that the directionally adjustable socket adapter may be positioned in a plurality of alternative directional arrangements.

8. An adjustable device for providing high intensity directional lighting, the device comprising:

a light bulb having a coating adapted to focus light emitted by the bulb in a particular direction; and

a directionally adjustable socket adapter having;

a rotatable upper portion for receiving the light bulb; and

a lower portion adapted to engage a socket wherein said rotatable upper portion is hingedly and rotatably attached to said lower portion so that the light emitted by the light bulb may be focused on a particular location as desired.

9. A device as in claim 8, wherein the rotatable upper portion comprises an outer

housing and an inner socket.

10. A device as in claim 9, wherein the outer housing further comprises a plurality of sensors adapted to receive a remote signal for controlling the brightness of a light bulb in response to the signal.

11. A device as in claim 8, wherein the rotatable upper portion is adapted to rotate at least 360 degrees about an axis perpendicular to the rotatable upper portion.

12. A device as in claim 11, wherein the directionally adjustable socket adapter is adapted so that the socket adapter can be further adjusted by angularly positioning the rotatable upper portion in relation to the lower portion as desired and by rotating the angularly positioned rotatable upper portion to a desired point within an at least 360 degree range of rotation about an axis perpendicular to the lower portion.

13. An adjustable device for providing high intensity directional lighting, the device comprising:

a directionally adjustable socket adapter having;

a rotatable upper portion for receiving a light bulb;

a lower portion hingedly and rotatably attached to said upper rotatable portion; and

being adapted so that the directionally adjustable socket adapter may be rotated at least 360 degrees about at least one axis of rotation and angularly positioned in a plurality of angular positions about an axis different from said at least one axis of rotation for positioning the adjustable socket in a plurality of alternative directional arrangements.

14. (Canceled)



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent application of : Attorney Docket No.:
Barton A. Pasternak et al. : 35783-152950
: (3800-172)
Serial No.: 10/081,092 :
Confirmation No.: 2819 :
Filed: February 21, 2002 : Group Art Unit:
: 2875
For: High Intensity Directional Lighting Device : Examiner:
: Ismael Negron

AMENDMENT ON APPEAL

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This amendment accompanies an appeal brief in the above application.

No fee is believed to be due in connection with this response. Please charge any fee that is due, and credit any overpayment, to deposit account no. 50-0573.

Amendments to the claims are included in the listing of claims that begins on page 2.

Remarks begin on page 5.

**CERTIFICATE OF MAILING
UNDER 37 C.F.R. 1.8(a)**

I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date indicated below, with sufficient postage, as first class mail, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

BY _____

DATE: _____

FILED BY COURIER
Date: 11-29-04
By: K. Bennett